UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,914	09/26/2001	Timothy E. Wood	13768.203	9417

47973	7590	06/08/2006

WORKMAN NYDEGGER/MICROSOFT
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

EXAMINER
HUYNH, THU V

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/963,914	WOOD ET AL.
		Examiner	Art Unit
		Thu V. Huynh	2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 March 2006*.

2a)☐ This action is **FINAL**.　　　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2,7,9,11,16,18,21 and 23-28* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2, 7, 9, 11, 16, 18, 21 and 23-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: RCE filed on 03/10/06 to application filed

on 09/26/2001.

2.   Claims 7, 9 and 26 are currently amended. Claim 29 is currently canceled.

3.   Claims 1, 3-6, 8, 10, 12-15, 17, 19-20, 22 and 29 are canceled.

4.   Claims 2, 7, 9, 11, 16, 18, 21 and 23-28 are pending in the case. Claim 26 is independent

claim.

5.   Rejections in the previous office actions have been withdrawn as necessitated by the

amendment.

Claim Objections

6.   The claims are objected to because the amended limitations are crowded too closely

together and <u>not dark enough</u>, making reading difficult. Substitute claims with lines one and

one-half or double spaced on <u>good quality paper and ink are required</u>. See 37 CFR 1.52(b).

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

7.   **Claims 2, 7, 9, 11, 16, 18, 21 and 23-28 are rejected under 35 U.S.C. 112, second**

paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention.

Regarding independent claim 11, claim 11 recites the limitation "a computer program

product comprising at least one computer-readable media having computer-executable

instructions for implementing the method of claim 26". However, it is unclear that who executes

such computer readable media to produce the method of claim 26, the client or the server

computer system. Claim 11 also recites "tangible and physical storage media". However, in the

application's specification does not describe what is a tangible storage media is.

Regarding independent claim 26, claim 26 recites the limitation "the obtained content".

There is insufficient antecedent basis for this limitation in the claim. Examiner suggests that

"obtained relevant event-based content" should be used for consistency in the claim.

Dependent claims 2, 7, 9, 11, 16, 18, 21, 23-25 and 27-28 are rejected for fully

incorporating the dependencies of its base claim.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a person
having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
manner in which the invention was made.

(b) This application currently names joint inventors. In considering patentability of the claims under 35
U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the
time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the
obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly
owned at the time a later invention was made in order for the examiner to consider the applicability of 35
U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. **Claims 26, 2, 11, 18, 25 and 28-29 are rejected under 35 U.S.C. 103(a) as**

unpatentable Over Gao et al., US 2002/0032701 A1, priority filed 09/2000, in view of

Pettersen, US 6,826, 594 B1, filed 07/2000, Negrino et al., "JavaScript for the World Wide

Web: Visual QuickStart Guide", published 04/26/01, <u>Melchner</u>, US 2002/0154163 A1,

provisional filed 04/2001, <u>JS-Examples-354</u>, "Open New Windows", http://www.js-

examples.com/javascript/?id=354, published 04/2000, pages 1-7, and Yehuda <u>Shiran</u>,

"Scriplet Authoring", http://www.webreference .com/js/tips/991222.html, published

12/1999, pages 1-2.

> **Regarding independent claim 26**, Gao teaches the steps of:
>
> - retrieving the document from the server computer system (Gao, [0032], [0046];
>   retrieving the requested HTML document from a server to a client);
>
> - displaying the document on a screen (Gao, [0046]);
>
> - detecting a reference in the document to a script that is not included in the document
>   (Gao, [0046]-[0048]; detecting a reference to a JavaScript file at a web server);
>
> - submitting a request to the server computer system for the script using the reference
>   (Gao, [0046]-[0048]);
>
> - retrieving the script from the server computer in response to the request (Gao, [0048];
>   retrieving the Script program from the server);
>
> - detecting an event comprising movement of the cursor within certain boundaries to a
>   specific region of the screen (Gao, page 3, [0034]; detecting a pointer or mouse over a
>   designated text element in the HTML document, causing a text box to appear); and
>
> - in response to detecting the event, using the script to overlay the obtained content
>   over the displayed document in a new window (Gao, page 3, [0034], [0050];
>   detecting a pointer or mouse over a designated text element in the HTML document,
>   causing a text box to appear).

However, Gao does not explicitly disclose detecting a script tag in the document to a script that is not included in the document, wherein the script tag identifies a URL source of a script and includes a single query-string parameter that identifies the document; submitting a request to the server computer for the script using the querystring parameter, wherein the query-string parameter ensures that the requested script will be specific to the document identified by the query-string parameter; prior to the client executing the script, retrieving relevant event-based content, from the server, wherein the event-based content is identified as relevant content by the server through use of the query-string parameter that identifies the document; the script and the event-based content are retrieved form the server at the same time; using a HTML handler to detect an event; executing the script only after first obtaining the relevant event-based content, wherein execution of the computer-executable instructions generates a scriptlet; and using the scriptlet to overlay the obtained content over the displayed document in a new window

Pettersen teaches detecting a script tag in the document to a script that is not included in the document, wherein the script tag identifies a URL source of a script and includes a single query-string parameter that identify the user and submitting a request to the server computer for the script using the querystring parameter, wherein the query-string parameter ensures that the requested script will be specific to the user that identified by the query-string parameter (Petterse, col.8, lines 10-30; col.8, line 61 – col.9, line 54; a script tag includes URL and one or more query-string parameters, wherein the query-string parameters are used to retrieve appropriate output or script). Pettersen teaches the query-string parameter is able to identifies a document and using the parameter to retrieve related file/content (Pettersen, col.21, lines 9-41; query-string includes user identification (UID), advertisement identification number (AID),

specific affiliate web site (PID), height or/and width, wherein the UID or AID is used to identify

the user or banner document. Using the AID to retrieve appropriate destination URL).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have modified Pettersen to include a query-string that identifies the

document, since the combination would have provided an appropriate script file based on

parameters that identify the user or the document as Pettersen disclosed, as also pointed by the

applicants, "methods for designating querystring parameters in script tags are known to those of

ordinary skill in the art" (Specification, page 18, [0055]).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have combined Pettersen and Gao to provide a script tag embedded into

the document, since the combination would have provided a methodology method to reference a

script that is not included in the document.

Negrino teaches prior to a client executing a script, retrieving relevant event-based

content, from a server, wherein the script and event-based content are retrieved from the server at

the same time (Negrino, page 4, "Creating More Effiective Rollovers" section; prior to the user

puts the mouse over an image to execute the script, preloading all images in the script so that

when the user moves the mouse over an image, the replacement image appears immediately from

the user's hard disk).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have combined Negrino's teaching and Li's teaching to preload event-

based content in the script using the script tag that identifies the document, since the combination

would have provided these event-based content "immediately, with no delay while it is fetched

from the server" as Negrino's disclosed as well as Li disclosed without the need for additional

fetches from the content provider servers" (Li, col. 11, lines 30-34).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have combined Negrino's teaching into Gao's teaching to preload event-

based content in the script using the script tag that identifies the document, since the combination

would have provided these event-based content "immediately, with no delay while it is fetched

from the server" as Negrino's disclosed.

Melchner teaches executing the script only after first obtaining the relevant content

(Melchner, [0042]; after a relevant page has loaded, executing the script embedded in the web

page so that the relevant content guarantees exposure).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have combined Melchner into Pettersen, Negrino and Gao to execute the

script only after first obtaining the relevant content, since the combination would have

guaranteed the relevant event-based content will be displayed when the script is executed as

Melchener disclosed in paragraph [0074].

JS-Examples-354 teaches a popup window is displayed when a cursor moves over,

moves out or clicks on a hyperlink (JS-Examples-354, pages 1-7, using "onmouseover",

"onmouseout" HTML handlers).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have combined JS-Examples-354 into Gao to retrieve the event-based

content when a cursor moves to a defined region on the web page in the script program so that a

popup window is displayed when the cursor clicks, moves out, or moves over a hyperlink or

image, since the combination would have provided different events to display the popup window.

Shiran teaches, "scriptlet is an independent script that is reference from an HTML page to describe the behavior of an object and the event it is triggered by" as Shiran disclosed in page 1, first paragraph.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Shiran's scriptlet into Gao and and JS-Examples-354, since the combination would have provided many kind of scripts to provide popup windows when an event is triggered.

Regarding claim 2, which is dependent on claim 26, Gao teaches retrieving document from the server computer system comprises the following: a specific act of retrieving a HyperText Markup Language (HTML) document from the server computer system (Gao, [0032]; [0046]).

Claim 11 is for a computer system includes a computer readable media performing the method of claim 26, and is rejected under the same rationale.

Regarding claim 18, which is dependent on claim 26, referring the claim 26, the limitation of "the HTML handler is an OnMouseOver handler" is addressed. The rationale is incorporated herein.

Regarding claim 25, which is dependent on claim 1, the limitation of "wherein detecting the event comprising movement of the cursor within certain boundaries to a specific region includes detecting movement of the cursor to a region of the screen without detecting movement of the cursor selecting a text element" is addressed and specifically taught by JS-Examples-354, wherein the cursor moves over a hyperlink. The rationale is incorporated herein.

Regarding claim 28, which is dependent on claim 26. Gao does not teach using the HTML handler to pass a parameter to the scriptlet, informing the scriptlet of the event; using the scriplet to map the event to content that is to be retrieved; using the scriptlet to retrieve the content in response to being informed of the event.

JS-Examples-353 teaches displaying a web page with images, such as http://www.js-example.com/js/pic1.gif, http://www.js-example.com/js/pic2.gif, (JS-Examples-353, pages 1, 5-9); clicking one of the image, causing a popup window overlay on the displayed page (JS-Examples-353, pages 8-15) via javascript code (JS-Examples-353, pages 2-4), comprising the steps of:

- in response to detecting the event, using the HTML handler to pass a parameter to the script, informing the script of the event (JS-Examples-353; page 4, 8-15; when one of the images is clicked, the script function showBig(n) is executed);

- using the script to map the event to content that is to be retrieved (JS-Examples-353; page 4; when one of the images is clicked, for example, image "http://www.js-example.com/js/pic1.gif" is click, mapping the event showBig(1) to function

showBig(_n) so that a corresponding image "http//:www.js-examples.com/js/pic3.gif"

from bigPic[1] to be retrieved); and

- using the script to retrieve the content in response to being informed of the event (JS-

   Examples-353; pages 1, 4, 8-15; using the script function to retrieve the

   corresponding image "http//:www.js-examples.com/js/pic3.gif" from bigPic[1] in

   function openIt (bigPic[_n])).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have combined JS-Examples-353 into Shiran's scriptlet and Gao, since

the combination would have provided many kind of scripts to provide popup windows when an

event is triggered.

10.   **Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Gao in view</u>
<u>of Pettersen, Melchner, JS-Examples-354, and Shiran</u> as applied to claim 26 above and
further in view of <u>Holbrook</u> et al., US 2002/0152222 A1, provisional filed 11/2000.**

   Regarding claim 7, which is dependent on claim 26. Gao discloses wherein the

retrieving content comprises the following: a specific act of retrieving *update information* related

to the area of the displayable form of the document over which the pointer has moved (Gao, page

3, paragraph 34; page 5; paragraph 50). Gao does not explicitly disclose retrieving *help*

information.

   Holbrook teaches help or any desired information are displayed in a popup window in

response to a mouse over a defined element/field in a web page to help the user understands

more about the field/element (Holbrook, [0079]).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have combined Holbrook and Gao to provide help, update or desired

information that related to the elements in the web page, since the combination would have

provided more information about the elements on primary web pages without cluttering such

web pages.

11.   **Claims 24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gao in view of Pettersen, Melchner, JS-Examples-354, and Shiran as applied to claim 26

above and further in view of JS-Examples-503, "DHTML Popup for NS6 and IE5",

http://www.js-examples.com/javascript/?id=503, published 03/2001, pages 1-8.**

Regarding claim 24, which is dependent on claim 26, Gao does not explicitly disclose

the specific region is a field.

JS-Examples-503 teaches displaying a popup window when the cursor moves over a

specific region on a web page, wherein the specific region is a field (JS-Examples-503, pages 1-

8, displaying popup windows with "message1" and "message2" when a cursor moves over entry

text field "txt1" and "txt2" respectively (see page 4)).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have combined JS-Examples-503 into JS-Examples-353, JS-Examples-

354, Holbrook and Gao, since the combination would have provided a popup window with help

information when the cursor moves over different objects, such as hyperlink, image, icon, or an

entry text field.

Regarding claim 27, which is dependent on claim 26, Gao does not explicitly disclose wherein the event-based content is retrieved in a format other than an HTML web page, and such that retrieving the content-based content is performed without having to make a request for a web page in response to retrieving or executing the script.

JS-Examples-503 teaches event-based content is retrieved in a format other than an HTML web page, and such that retrieving the event-based content is performed without having to make a request for a web page in response in retrieving or executing the script (JS-Examples-503, retrieving the event-based content is a text message other than an HTML web page, and such that retrieving the event-based is performed without having to make a request for a web page).

12.   **Claims 9, 16, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Gao in view of Pettersen, Melchner, JS-Examples-354, and Shiran</u> as applied to claims 1 and 8 above and further in view of <u>Hunt</u> et al., US 2004/0133848 A1, provisional filed 04/2000.**

Regarding claim 9, which is dependent on claim 26, Gao does not explicitly teaches wherein the event-based content is formatted in an eXtensible Markup Language (XML) format.

Hunt teaches method for providing and displaying information (Hunt's title), using Script to provide popup information for the user in HTML or XML content (Hunt, page 6, paragraph 86; page 14, paragraph 177; page 22, paragraph 343).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Hunt's XML content into Gao to provide data in XML

format, since the combination would have provided both XML or HTML content to be displayed in popup windows for the user.

Regarding claim 16, which is dependent on claim 26, Gao does not explicitly disclose displaying a first window over a portion of the document and displaying a second window over the document during the specific act of displaying the first window over the document.

Hunt teaches, "a popup window may be closed automatically or it may require the user to explicitly close it" (Hunt, page 22, paragraph 343).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Hunt popup window's modes into Gao to overlaying a window over the document during other windows already overly the displayable form of the document, since the combination would have provided options for display popup windows and the user controls (closes) what popup window as the user wants/needs.

Claim 21 is for a computer readable media performing the method of claim 16, and is rejected under the same rationale.

13.   **Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Gao in view of Pettersen, Melchner, JS-Examples-354, and Shiran</u> as applied to claim 1 above and further in view of <u>McCann</u> et al., US. 5,963,939, filed 09/1997.**

Regarding claim 23, which is dependent on claim 26. Gao does not teach the content is displayed in an ActiveX window.

McCann teaches a popup window may be an ActiveX control window (McCann, col.65, lines 23-33, fig. 51).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined McCann's ActiveX control popup window into Gao and JS-Examples to provide different formats for a popup window, since the combination would have provided an HTML or ActiveX popup window for the user.

Response to Arguments

14.   Applicant's arguments with respect to claims 2, 7, 9, 11, 16, 18, 21 and 23-28 have been considered but are moot in view of the new ground(s) of rejection.

Applicants argue that "the method of claim 26 also requires the script and event-based content are retrieved from the server at the same time" (Remarks, page 8, first paragraph) and "Gao teaches that the server does not obtain the event-related until after the script or code is executed ... This is in direct contrast with the claimed invention, wherein the even-based content is retrieved prior to the client executing the script that was referenced by the script tag" (Remarks, page 9, second paragraph).

However, the combination of Gao, Pettersen, Negrino and Melchner teaches such limitations as explained in the rejection above.

Applicants argue that "Li also fails to disclose or suggest that 'relevant event-based content is retrieved, from the server, prior to executing the script'".

However, Negrino and/or Melchner teaches relevant event-based content is retrieved, from the server, prior to executing the script as explained in the rejection above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu V Huynh whose telephone number is (571) 272-4126. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thu V. Huynh
May 28, 2006